

Senate Bill No. 56

CHAPTER 730

An act to add Sections 12749.93, 12749.94, and 12749.95 to the Water Code, relating to water development projects.

[Approved by Governor October 8, 2003. Filed with
Secretary of State October 9, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 56, Hollingsworth. Water development projects: Murrieta Creek Flood Control Project.

(1) Existing law provides for state cooperation and participation with the federal government in the construction of various flood control projects.

This bill would adopt and authorize the upstream and downstream portions of the Murrieta Creek Flood Control Project in Riverside County, in accordance with federal law, and with the state's participation. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby imposing a state-mandated local program. The bill would state that it is the intent of the Legislature that no funds be appropriated for state cooperation in the project before July 1, 2013.

(2) This bill would declare that, due to the special circumstances applicable only to the Murrieta Creek Flood Control Project, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The United States Congress has determined that the impacts of flooding can be reduced through the construction of the Murrieta Creek Flood Control Project, which carefully balances flood control and

environmental issues, and provides high quality, low maintenance flood control facilities coupled with recreation and environmental restoration.

(b) The Murrieta Creek Flood Control Project incorporates features that substantially reduce potential flood damages to existing residences, business, agriculture, and interstate commerce, while avoiding, minimizing, and mitigating impacts to environmental and recreational values.

(c) The Murrieta Creek Flood Control Project has been designed to produce the greatest feasible reduction in flood damages in the most efficient manner practicable, with due regard for environmental and recreational considerations, and local economic conditions. As designed, the project serves multipurpose objectives, including flood control, habitat restoration, and enhanced recreational opportunities.

(d) The Murrieta Creek Flood Control Project includes two distinct reaches, the downstream reach, which extends southerly of Winchester Road, and the upstream reach, extending northerly of Winchester Road.

(e) The total annual benefit of providing protection from flood damages provided by the downstream portion of the Murrieta Creek Flood Control Project exceeds the annual cost of the project allocable to flood management, and is therefore eligible for funding under Section 12585.7 of the Water Code.

(f) The recreation and fish and wildlife enhancement features resulting from habitat restoration make the upstream reach of the Murrieta Creek Flood Control Project eligible for funding under Section 12847 of the Water Code.

SEC. 2. Section 12749.93 is added to the Water Code, to read:

12749.93. (a) The Murrieta Creek Flood Control Project from Winchester Road downstream through the city of Temecula, is adopted and authorized substantially in accordance with Public Law 106-377, enacted on October 27, 2000, and Section 12585.7, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the department, and in accordance with Section 12847.

(b) The Riverside County Flood Control and Water Conservation District shall give assurances, satisfactory to the Secretary of the Army, that the local cooperation required by federal law will be furnished by the district in connection with the project for flood control adopted and authorized in subdivision (a).

(c) The district, in conjunction with the Department of the Army, shall carry out the plans and project and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.



(d) The Riverside County Flood Control and Water Conservation District shall enter into an agreement with the department pursuant to which the district agrees to indemnify and hold and save the state, its officers, agents, and employees harmless for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the project.

SEC. 3. Section 12749.94 is added to the Water Code, to read:

12749.94. (a) The recreation and fish and wildlife features of the Murrieta Creek Flood Control Project from Winchester Road upstream through the City of Murrieta to Tenaja Road are adopted and authorized for state participation pursuant to Section 12847; however, the state shall not provide financial assistance for the flood control features of the upstream reach pursuant to Chapter 1 (commencing with Section 12570) and this chapter.

(b) The Riverside County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by federal law will be furnished by the district in connection with the project for flood control adopted and authorized in subdivision (a).

(c) The district, in conjunction with the Department of the Army, shall carry out the plans and project and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

(d) The Riverside County Flood Control and Water Conservation District shall enter into an agreement with the department pursuant to which the district agrees to indemnify and hold and save the state, its officers, agents, and employees harmless for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the project.

SEC. 4. Section 12749.95 is added to the Water Code, to read:

12749.95. Notwithstanding Sections 12749.93 and 12749.94, it is the intent of the Legislature that no funds be appropriated for state cooperation in the Murrieta Creek Flood Control Project before July 1, 2013.

SEC. 5. The Legislature finds and declares that, because of the unique circumstances applicable only to the Murrieta Creek Flood Control Project, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are



the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

